

Council growing impatient with planning mess

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by Margie Hyslop
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Frustration is mounting among some County Council members who say the Planning Board and its staff have not done enough to correct management and record-keeping problems in the Clarksburg Town Center debacle.

On Monday, members of the council's Planning, Housing and Economic Development Committee were angered that they had not yet received a report from the agency that is due before their now-biweekly oversight meetings.

They also were irritated that planning commissioners, particularly Chairman Derek P. Berlage, did not attend Monday's meeting.

Nor was the committee mollified when Development Review Chief Rose G. Krasnow explained that the report was awaiting Berlage's signature. Berlage was out of town.

"I guess we could spend a few minutes being outraged," said committee chairman Steven A. Silverman (D-At large) of Silver Spring.

"That's flat out unacceptable," he said, adding that the report was due last week.

"You can sign a real estate contract via e-mail," Silverman said, adding that he would schedule Planning Board oversight meetings every week if necessary.

Berlage was back at work late Monday afternoon after going out of town to recover from "minor" oral surgery, spokeswoman Nancy C. Lineman said.

Lineman noted that Berlage is the Planning Board's only full-time member and said Krasnow and deputy planning director Bill Mooney, who attended the session, have Berlage's "full confidence."

Berlage did appear at Tuesday's council session to present a semi-annual report, saying, "the rest of the work of our agency must not grind to a halt" while it tries to



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address deficiencies in Clarksburg.

He has been meeting with community groups because, Berlage said, he "needs to face the music."

He reassured the council that the board is committed to making reforms, but added that they have to be done responsibly.

At Monday's meeting, Councilwoman Nancy M. Floreen (D-At large) of Garrett Park said a recent test of the planning department's record-keeping and security has given her little reason to believe that it has improved. Reports of missing or incomplete files prompted the department to institute new rules to track documents and ensure security this summer.

To see if document control had improved, Floreen sent an aide to retrieve a planning file. The aide reported that staffers had trouble finding it, said Floreen, a former Planning Board member.

Nor was there a checklist in the file, Floreen said, although Berlage said that checklists would be developed and used to ensure that all legal and regulatory requirements were met.

Further, Floreen said, the aide managed to walk out of the building with the file without being challenged. The file was returned later.

"It has been months, and a person can walk out with a file," Floreen said.

Document control failures are at the center of the planning scandal in Clarksburg.

Lineman said the changes Berlage outlined are "on the cusp of being implemented," but "the consistency is not at the highest level it needs to be at this time."

Changes have to be balanced with the need for public access, said Lineman, who said she did not know what extra controls have been implemented.

A host of deficiencies was uncovered after Clarksburg residents (organized as the Clarksburg Town Center Advisory Committee) discovered this summer that a planner falsified documents to make it appear that developers had not exceeded height limits at the new Town Center.

The scandal lifted the lid on a department and a process that civic groups say have gone too far to accommodate developers, who generously contribute to many politicians' campaigns.

In July, the Planning Board ruled that 433 townhouses and an apartment building were too tall and that 102 houses were built too close to roads at Clarksburg Town Center.

The county's planning and permitting departments have admitted that buildings in Clarksburg had not been measured.

County officials said the reason the buildings were not measured was that they are in special "site plan zones" where planners can relax some rules to achieve goals such as more affordable housing and better use of transportation.

Key dates

***Thursday — Preliminary staff report detailing alleged violations will be available on Park and Planning's Web site, www.mcparkandplanning.org.**

***Oct. 25 — Public hearing at which Clarksburg residents present allegations to Planning Board. Meeting will be taped with telecasts set for 8 p.m. Oct. 29 and Nov. 1 on county cable Channel 6.**

***Nov. 3 — Public hearing at which Clarksburg developers respond to residents' allegations. Meeting is expected to be telecast live on cable Channel 6.**

***Nov. 18 — Public record on the Clarksburg cases closes. Check Park and Planning's Web site for updates.**

About a third of building permits issued in Montgomery County are in site plan zones, permitting services officials said.

The planning department has hired a contractor to measure buildings at Clarksburg Town Center.

But for about 115 other site plan zones approved since January 2003, Permitting Services has taken on responsibility of measuring buildings.

Still, authority to enforce compliance in site plan zones rests with the planning department, Permitting Services Director Robert C. Hubbard told the committee on Monday.

A spreadsheet provided by Permitting Services showed that its inspectors have completed checks at about 10 of 78 site plan zones where work is under way or complete.

Silverman complained that County Executive Douglas M. Duncan (D) has not asked for money already to hire more Permitting Services staff so that inspections can be done more quickly.

Hubbard said doing more inspections and taking on responsibilities Duncan has proposed shifting from the planning department to Permitting Services is expected to increase his budget. But he said by how much will not be clear until those changes have been approved.

One inspector is now assigned to do residential checks, and another is assigned to commercial checks, Hubbard said. Once Permitting Services advertises the new positions, it could take six months to fill them, he said.

Silverman said the council needs to approve a special appropriation to get that hiring process started.